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14

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA

17 IN RE SUNPOWER CORPORATION  
18 SHAREHOLDER DERIVATIVE  
19 LITIGATION

Lead Case No. 3:16-cv-05312-RS

(Consolidated with Case Nos. 3:16-cv-05381-RS and 3:16-cv-05988-RS)

District Judge Richard Seeborg

**STIPULATION AND [PROPOSED]  
ORDER IN SUPPORT OF  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES SHOULD  
BE RELATED**

**(Civil L.R. 3-12)**

20 This Document Relates To:

21 ALL ACTIONS

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28 [Caption Continued on Next Page]

1 SCOTT SALYERS, LAWRENCE GARNER,  
2 LORIE BARNWELL, GREGORY  
3 PALICZUK and FRANK BADALAMENTE,  
4 in Their Capacities as Trustees for the CITY  
OF WARREN POLICE AND FIRE  
RETIREMENT SYSTEM, Derivatively on  
Behalf of SUNPOWER CORPORATION,

5 Plaintiff,

6 v.

7 BERNARD CLÉMENT, LADISLAS  
8 PASZKIEWICZ, DANIEL LAURÉ,  
9 CATHERINE A. LESJAK, THOMAS H.  
WERNER, THOMAS R. McDANIEL,  
10 PATRICK WOOD III, ARNAUD  
CHAPERON, HUMBERT DE WENDEL,  
11 JEAN-MARC OTERO DEL VAL, DENIS  
GIORNO and CHARLES D. BOYNTON,

12 Defendants.

13 Case No. 5:16-cv-07143-NC

14 Magistrate Judge Nathanael M. Cousins

1 WHEREAS the following shareholder derivative actions pending in the U.S. District Court  
2 for the Northern District of California arise out of a common set of facts:

<u>Case Name</u>	<u>Case No.</u>	<u>Filing Date</u>
<i>In re SunPower Corporation Shareholder Derivative Litigation</i> (the "Consolidated Derivative Action")	Lead Case No. 3:16-cv-05312-RS	Initial Filing Date Sept. 16, 2016
<i>Salyers, et al. v. Clement, et al.</i> (the "Salyers Action")	5:16-cv-07143-NC	Dec. 14, 2016

9  
10 WHEREAS, pursuant to Civil Local Rule 3-12, plaintiffs in the Consolidated Derivative  
11 Action have filed concurrently herewith an administrative motion to consider whether the *Salyers*  
12 Action should be deemed related to the pending Consolidated Derivative Action and reassigned to  
the Honorable Richard Seeborg;

13 WHEREAS, the *Salyers* Action arises from substantially similar facts and circumstances as  
14 the Consolidated Derivative Action;

15 WHEREAS, it appears likely that there will be an unduly burdensome duplication of labor  
16 and expense or conflicting results if these cases are conducted before different judges; and

17 WHEREAS, defendants have not yet responded to the complaints in any of these actions.  
18 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among  
19 counsel for the undersigned parties, subject to approval of the Court, that the *Salyers* Action should  
20 be deemed related to the pending Consolidated Derivative Action and reassigned to the Honorable  
21 Richard Seeborg.

23 Dated: December 22, 2016

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26 s/ George C. Aguilar  
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*Lead Counsel for Plaintiffs*

Dated: December 22, 2016

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Professional Corporation  
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KATHERINE L. HENDERSON (SBN 242676)

*s/ Steven M. Schatz*

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Dated: December 22, 2016

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20 *Attorneys for Plaintiff Scott Salyers, Lawrence  
21 Garner, Lorie Barnwell, Gregory Paliczuk and  
22 Frank Badalamente*

23 I, George C. Aguilar, am the ECF User whose ID and password are being used to file this  
24 Stipulation and [Proposed] Order in Support of Administrative Motion to Consider Whether Cases  
25 Should Be Related. In compliance with Civil L.R. 5-1(i), I hereby attest that concurrence in the  
26 filing of this document has been obtained from each of the other signatories.

27  
28 s/ George C. Aguilar  
George C. Aguilar

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20 DATED: 12/27/16



21 HONORABLE RICHARD SEEBOORG  
22 UNITED STATES DISTRICT JUDGE  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the Electronic Mail Notice for this action.

I further certify that I caused and true and correct copy of the foregoing to be sent via electronic mail to the following:

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*s/ George C. Aguilar*  
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